

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:11-CR-114-1F

UNITED STATES OF AMERICA )  
                                )  
                                )  
v.                            )                         ORDER  
                                )  
                                )  
CHRISTINA FAYE LYNCH, )  
Defendant.                  )

This matter is before the court on Ms. Lynch's letter motion [DE-30] requesting that the court amend or postpone her obligation to pay restitution. In her letter,<sup>1</sup> Ms. Lynch contends that she has not been able to secure prison employment and requests a reduction in her inmate financial responsibility payments to \$25 per quarter.

Ms. Lynch's judgment reads, in relevant part:

**Payment of special assessment and restitution shall be due and payable in full immediately.** However, if the defendant is unable to pay in full immediately, the special assessment and restitution may be paid through the Inmate Financial Responsibility Program. The court, having considered the defendant's financial resources and ability to pay, orders that the balance still owed at the time of release shall be paid in installments of \$50.00 per month to begin 60 days after the defendant's release from prison. At the time of the defendant's release, the probation officer shall take into consideration the defendant's ability to pay the restitution ordered and shall notify the court of any needed modification of the payment schedule.

Ms. Lynch's restitution is due in full immediately, but in the event she cannot pay immediately, the Bureau of Prisons, not the court, may set a payment schedule through the Inmate Financial Responsibility Program. This court may only modify a judgment in extraordinary circumstances. Fed. R. Crim. Pro. 35. That Ms. Lynch believes her payment schedule is overly burdensome does not qualify as an extraordinary circumstance. The Bureau of Prisons sets an inmate's payment plan

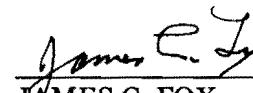
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<sup>1</sup> For the record, Ms. Lynch's letter is deemed a motion for a modification of restitution.

under the Inmate Financial Responsibility Act and this court is without authority to change an inmate's particular payment plan. Ms. Lynch's letter motion [DE-30] is therefore DENIED.

SO ORDERED.

This, the 1 day of January, 2013

  
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JAMES C. FOX  
Senior United States District Judge